

# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. **22311/04024**

First Inventor **David H. Gorski**

Title **GROWTH ARREST HOMEBOX GENE**

Express Mail Label No. **EL085076625US**

Deposited by **Robert Watts**

Only for new nonprovisional applications under 37 CFR 1.53(b))

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

## ADDRESS TO:

Mail Stop **PATENT APPLICATION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 48]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 10]
5. Oath or Declaration [Total Sheets 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent
17. ☒ Other: **Copy of Response to Office Action for parent application**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/940,673

Prior application information: Examiner **Hutson, Richard G.** Art Unit: **1652**  
For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number: **24024** OR ☐ Correspondence address below

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Country \_\_\_\_\_ Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Name (Print/Type) **Pamela A. Docherty** Registration No. (Attorney/Agent) **40,591**

Signature *Pamela A. Docherty* Date **Feb 23, 2004**

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 385

## Complete if Known

Application Number	Not yet assigned
Filing Date	Concurrently herewith
First Named Inventor	David H. Gorski
Examiner Name	Not yet assigned
Art Unit	Not yet assigned
Attorney Docket No.	22311/04024

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	385
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	385

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	4	-20** =	0	X		0
Independent Claims	2	-3** =	0	X		0
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

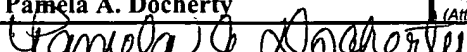
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0

## SUBMITTED BY

Name (Print/Type)	Pamela A. Docherty	Registration No. (Attorney/Agent)	40,591	Telephone	
Signature		Date	Feb 23, 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.		22311/04024
First Inventor		David H. Gorski
Title	GROWTH ARREST HOMEBOX GENE	
Express Mail Label No.		EL085076625US
Deposited by		Robert Watts

**CERTIFICATE OF EXPRESS MAILING**

Date of Deposit: February 23, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Robert Watts

Name of Person Signing (Type or Print)

Signed: Robert Watts

24024

CERTIFICATE OF MAILING

I hereby certify that this TRANSMITTAL is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 23rd day of February, 2004.

Typed or Printed name of person signing this certificate:

Wendy A. Frick

Signed: \_\_\_\_\_

*Wendy A. Frick*

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Gorski, et al.

Serial No.: 09/940,673

Filed: August 27, 2001

For: **GROWTH ARREST HOMEBOX  
GENE**

) Examiner: Hutson, Richard G.  
)  
)

) Group Art Unit: 1652  
)  
)

) Attorney Docket No.: 22311/04015  
)  
)

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**TRANSMITTAL OF RESPONSE TO OFFICE ACTION**

Sir:

Transmitted herewith are the following:

1. Response to Office Action;
2. Assertion of Entitlement to Small Entity Status;
3. Petition for Extension of Time Under 37 CFR 1.136(a);
4. A check in the amount of \$475.00 as payment of the extension fee; and
5. Return receipt postcard.

It is believed that no further fee is required relating to the filing of this Response. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: \_\_\_\_\_

*February 23, 2004*

By: \_\_\_\_\_

*Pamela A. Docherty*  
Pamela A. Docherty, Reg. No. 40,591  
(216) 622-8416

24024

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 23rd day of February, 2004

Typed or Printed name of person signing this certificate:

Wendy A. Frick

Signed: Wendy A. Frick

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Gorski, et al.

Serial No.: 09/940,673

Filed: August 27, 2001

For: **GROWTH ARREST HOMEBOX  
GENE**

) Examiner: Hutson, Richard G.  
)  
)

) Group Art Unit: 1652  
)  
)

) Attorney Docket No.: 22311/04015  
)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

## RESPONSE TO OFFICE ACTION

Dear Sir:

Dear Sir:

In response to the non-final Office Action mailed August 22, 2003, Applicants are filing concurrently herewith a continuation application.

Respectfully submitted,

Date: February 23, 2004

by: Pamela A. Docherty  
Pamela A. Docherty, Reg. No. 40,591  
(216) 622-8416

Practitioner's Docket No. 22311/04015

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

☒ In re application of: Gorski, et al.

Application No.: 09/940,673

Group No.: 1652

Filed: August 27, 2001

Examiner: Hutson, Richard G.

For: **GROWTH ARREST HOMEBOX GENE**

☐ Patent No.\*:

Issued:

*\*Note: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS**

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class  
Mail in an envelope addressed to the  
Commissioner for Patents, P.O. Box 1450,  
Alexandria, Virginia 22313-1450

**FACSIMILE**

☐ transmitted by facsimile to the  
Patent and Trademark Office.

Date: Feb. 23, 2004

Wendy A. Frick  
Signature  
Wendy A. Frick  
(type or print name of person certifying)

Date: February 23, 2004

(print or type name of person signing)

Amela D. Rochester  
Signature

☐ Inventor(s)  
☐ Assignee of complete interest  
☐ Person authorized to sign on behalf of assignee  
☒ Practitioner of record  
☐ Filed under Rule 34(a)

(if applicable)

Reg. No.: 40,591

Customer No. 24024

*(complete the following if applicable)*

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO \_\_\_\_\_

Reel \_\_\_\_\_ Frame \_\_\_\_\_

**Note:** A statement under 37 C.F.R. § 3.73(b) is not required when the assignee signs a small entity declaration. Notice of April 30, 1993, 1150 O.G. 62-64.